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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/930,472	08/16/2001	Alexander Vincent Danilo	169.2162	1181
5514	7590 06/27/2003			
FITZPATRICK CELLA HARPER & SCINTO			EXAMINER	
	ELLER PLAZA K, NY 10112		NOLAN JR, CHARLES H	
			ART UNIT	PAPER NUMBER
			2854	
			DATE MAILED: 06/27/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

L <sub>a</sub> ·		$\mathcal{M}_{\alpha}$
	Application N .	Applicant(s)
	09/930,472	DANILO ET AL.
Office Action Summary	Examiner	Art Unit
	Charles H Nolan, Jr.	2854
The MAILING DATE of this communicatio Priod for Reply	n appears on the cover sheet with	n the correspondence address
A SHORTENED STATUTORY PERIOD FOR R THE MAILING DATE OF THIS COMMUNICATI  - Extensions of time may be available under the provisions of 37 C after SIX (6) MONTHS from the mailing date of this communicatic  - If the period for reply specified above is less than thirty (30) days,  - If NO period for reply is specified above, the maximum statutory p  - Failure to reply within the set or extended period for reply will, by  - Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).  Status	ON. FR 1.136(a). In no event, however, may a repon. , a reply within the statutory minimum of thirty period will apply and will expire SIX (6) MONTI statute, cause the application to become ABA	oly be timely filed  (30) days will be considered timely.  HS from the mailing date of this communication.  NDONED (35 U.S.C. § 133).
1) Responsive to communication(s) filed on	1 <u>6 August 2001</u> .	
2a) ☐ This action is <b>FINAL</b> . 2b) ⊠	This action is non-final.	
Since this application is in condition for a closed in accordance with the practice up a closed in a clos		
Disposition of Claims  4)⊠ Claim(s) <u>1-40</u> is/are pending in the applic	ootion	
4a) Of the above claim(s) is/are wit		
5) Claim(s) is/are allowed.	ildiawii iloiii colisideration.	
6) Claim(s) is/are rejected.	•	
7) Claim(s) is/are objected to.		
8) Claim(s) <u>1-40</u> are subject to restriction an Application Papers	d/or election requirement.	
9)☐ The specification is objected to by the Exa	miner	
10) ☐ The drawing(s) filed on 16 August 2001 is/		ed to by the Evaminer
Applicant may not request that any objection		•
11) The proposed drawing correction filed on _	*	` ,
If approved, corrected drawings are required		.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
12) The oath or declaration is objected to by the		
Priority under 35 U.S.C. §§ 119 and 120		
13) Acknowledgment is made of a claim for fo	oreign priority under 35 U.S.C. §	119(a)-(d) or (f).
a)⊠ All b)□ Some * c)□ None of:		
1. Certified copies of the priority docu	ments have been received.	
2. Certified copies of the priority docu	ments have been received in Ap	plication No
Copies of the certified copies of the application from the Internation:     See the attached detailed Office action for a second content.	al Bureau (PCT Rule 17.2(a)).	· ·
14) Acknowledgment is made of a claim for dor	mestic priority under 35 U.S.C. §	119(e) (to a provisional application).
a) ☐ The translation of the foreign languag 15)☐ Acknowledgment is made of a claim for do	• •	
Attachment(s)	. ,	
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-94 3) Information Disclosure Statement(s) (PTO-1449) Paper N	.8) 5) Notice of Inf	immary (PTO-413) Paper No(s) formal Patent Application (PTO-152)
. Patent and Trademark Office FO-326 (Rev. 04-01) Offi	ice Action Summary	Part of Paper No. 6

Application/Control Number: 09/930,472

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## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-17 and 39-40, drawn to a method or computer readable medium for rendering an output image, classified in class 400, subclass 76.
  - II. Claims 18-38, drawn to an apparatus for rendering an output image, classified in class 358, subclass 1.16.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the apparatus may be used to print cd labels.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles H Nolan, Jr. whose telephone number is 703-308-0961. The examiner can normally be reached on Monday through Thursday 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 703-305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Charles H Nolan, Jr.

Examiner Art Unit 2854

CHN June 25, 2003